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U.S. Department of Commerce  
Patent and Trademark Office  
Washington, D.C. 20231

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TECH CENTER 1600/2900

**Re: Reply to Office Action for Application No. 09/931,883 [Applicant:  
Vaughn Vasil Smider, Examiner: Kartic Padmanabhan, Art Unit 1641]**

Please note my response to detailed action on 09/931,883 with traverse:

I believe inventions I (claims 1-11) and II (claims 12-22) are related, and are capable of use together. In group I, a reaction premix is not explicitly described in the claims, however is inferred to exist though would not necessarily include a test substance as in group II. Thus, in claim 1 (a) a reaction premix would comprise an immobilized nucleic acid. A reaction mix in claim 1 would be the immobilized nucleic acid substrate with a test protein or mixture of proteins.

The modulating ability of a test substance (group II) is related to the ability to detect a DNA-structure specific binding activity. Detection of the DNA-structure specific binding activity is accomplished in both inventions I and II. The modulating ability of a test substance in invention II is directly related to, and contains the same steps as, detection of the DNA-structure specific binding activity of invention I. Both inventions relate to class 435 subclass 6 (wherein the "composition in which the test is conducted contains nucleic acid"), which is indented under class 435 subclass 4.

A provisional election of claims 12-22 to be examined is made.

Please note my change in address to that above.

Sincerely,

*Vaughn Smider*

Vaughn Smider